

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

GREGORY D. PHILLIPS

PLAINTIFF

v.

Case No. 07-5117

JAILER REEVES, SHERIFF FERGUSON,  
JAILER MONROE, and CAPTAIN PETRAY

DEFENDANTS

**ORDER**

On February 29, 2008, Defendants filed a summary judgment motion. (Doc. 20). To assist Plaintiff in responding to the summary judgment motion, the undersigned is propounding a questionnaire. The court will consider Plaintiff's response to the questionnaire in issuing an opinion on the summary judgment motion.

For this reason, Antoine Davis is hereby directed to complete, sign, and return the attached response to Defendants' summary judgment motion on or before **May 5, 2008**. Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.

IT IS SO ORDERED this 3rd day of April 2008.

/s/ J. Marschewski

HONORABLE JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

GREGORY D. PHILLIPS

PLAINTIFF

v.

Case No. 07-5117

JAILER REEVES, SHERIFF FERGUSON,  
JAILER MONROE, and CAPTAIN PETRAY

DEFENDANTS

**RESPONSE TO SUMMARY JUDGMENT MOTION**

TO: GREGORY D. PHILLIPS

On February 29, 2008 Defendants filed an Motion for Summary Judgment. (Doc. 20). Accordingly, these questions and answers will serve as your response to Defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions. You must file this response by **May 5, 2008**.

1. Are you suing the Defendants in their: (choose one)

\_\_\_\_\_ official capacities

\_\_\_\_\_ personal capacities

\_\_\_\_\_ both official and personal capacities

If you are suing the Defendants in their official capacities or both capacities, explain below what custom or policy of Benton County caused you to be denied adequate medical care.

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2. In the Addendum to the Complaint (Doc. 6, ¶ 7) you state that Defendants Ferguson and Petray are being sued by your for not making sure the jail staff is doing their job or looking into problems noted on grievances. Are these your only claims against Defendants Ferguson and Petray?

Answer: Yes\_\_\_\_ No\_\_\_\_\_

If “no,” list your other claims below. Be specific.

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(A) Did Defendants Petray or Ferguson ever personally deny you medication?

Answer: Yes\_\_\_\_\_ No\_\_\_\_\_

If “yes,” list the dates that Defendants Petray and Ferguson denied you medication.

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3. Is your claim against Defendants based solely upon pain medication being denied to you on June 12, 13, 14, and 15 of 2007? (Do not include claims that you are asserting in case 07-5051 against Defendants Garrett and Huskins).

Answer: Yes\_\_\_\_ No\_\_\_\_\_

If “no,” list the other claims you have against the Defendants. Include any facts supporting these

claims.

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4. You first complained through the grievance procedure on June 18, 2007, that you were not getting your medications "p.r.n."

Answer: Agree\_\_\_\_ Disagree\_\_\_\_

If you disagree, explain below, including an explanation to Defendants' Doc. 22, Exhibits 2A, 2B, and 4.

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5. You saw the nurse on June 19, 2007.

Answer: Agree\_\_\_\_ Disagree\_\_\_\_

If you disagree, explain below, including an explanation to Defendants' Doc. 22, Exhibits 2A, 2B, and 4.

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6. Each time you submitted a written medical request/grievance, you were seen by the nurse or doctor and given medication or other treatment for your complaints. (This question does not include responses to verbal requests.)

Answer: Agree\_\_\_\_\_ Disagree\_\_\_\_\_

If you disagree, explain below, including an explanation to Defendants' Doc. 22, Exhibits 2A, 2B, and 4.

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7. Are you seeking to recover for a physical injury?

Answer: Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, explain or describe the physical injury for which you seek to recover.

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(A) Did your injuries get worse as a result of not receiving your pain medications?

Answer: Yes\_\_\_\_\_ No\_\_\_\_\_

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If yes, explain how the injury got worse and include any medical evidence you have.

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8. You state Jailer Reeves told you to wait when you requested your “prn” medications. Did he ever provide you with the medication on the dates in question?

Answer: Yes\_\_\_\_ No\_\_\_\_

Detail below any further response you would like to make to defendants’ summary judgment motion. If you have exhibits (including additional medical records) you would like the court to consider, you may attach them to this response.

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I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2008.

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GREGORY D. PHILLIPS